

## REMARKS

### Section 102 Rejections

Claims 1, 3, 4, 7 and 8 are rejected under 35 U.S.C. Section 102 as being inherent and under 102(b) as being anticipated by Merck. Claims 1, 3, 4, 7 and 8 have been canceled. This ground of rejection is respectfully traversed.

New claims 19-27 have been added to the application to recite the use of purified  $\beta$ -cryptoxanthin to ameliorate bone loss problems associated with aging in a person in need thereof, to ameliorate osteoporosis in a person in need thereof, and to promote osterogenesis in a person in need thereof. These claims are neither anticipated or made obvious in view of any of the cited references or any combination of the cited references.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 19-27 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss any remaining issues that may exist or arise.

Respectfully submitted,

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